

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

JAMES H DEBERRY III

S.S. No.: xxx-xx-2661

Mailing Address: 2413 OTIS ST, Durham, NC 27707-

Case No. 10-80876

Debtor.

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor has filed for relief under Chapter 13 of the United States Bankruptcy Code on May 20, 2010.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtor's proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: June 7, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s John T. Orcutt

John T. Orcutt
N.C. State Bar No. 10212
Counsel for the Debtor
6616-203 Six Forks Rd.
Raleigh, N.C. 27615
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET
(MIDDLE DISTRICT - DESARDI VERSION)

Date: 3/19/10

LastName-SS#: DeBerry-2661

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

	Creditor Name	Sch D #	Description of Collateral
Retain	Child Support		

SURRENDER COLLATERAL

Creditor Name	Description of Collateral

ARREARAGE CLAIMS

	Creditor Name	Sch D #	Arrearage Amount	(See †)
Retain	Child Support			**
				**
				**
				**
				**
	Durham County			**
				**
				**

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain	Durham County		\$58	N/A	n/a	\$58.00	Ongoing Taxes
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		

STD - SECURED DEBTS - a FMV

	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain				5.00			
				5.00			
				5.00			
				5.00			

STD - SECURED DEBTS - a 100%

	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain	First Stop Auto Sales		\$5,943	5.00	\$51	\$126.35	1998 Ford F150
				5.00			
				5.00			
				5.00			
				5.00			

ATTORNEY FEE (Unpaid part)	Amount
Law Offices of John T. Orcutt, P.C.	\$2,800
SECURED TAXES	Secured Amt
IRS Tax Liens	
Real Property Taxes on Retained Realty	\$3,095
UNSECURED PRIORITY DEBTS	Amount
IRS Taxes	\$1,857
State Taxes	
Personal Property Taxes	
Alimony or Child Support Arrearage	\$1,931
CO-SIGN PROTECT (Pay 100%)	Int.% Payoff Amt
All Co-Sign Protect Debts (See*)	
GENERAL NON-PRIORITY UNSECURED	Amount**
DMI= None(\$0)	\$3,022

PROPOSED CHAPTER 13 PLAN PAYMENT

\$ **\$412** per month for **60** months, then
\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **8.33** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

* Co-sign protect on all debts so designated on the filed schedules.

** = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO

Other Miscellaneous Provisions

Plan to allow for 3 "waivers".

CERTIFICATE OF SERVICE

I, WILLIAM MCDONALD, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

All the creditors set forth on the mailing matrix filing in this case.

/s WILLIAM MCDONALD

WILLIAM MCDONALD

North Carolina Department of Revenue
c/o NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629

Internal Revenue Service (ED)**
Post Office Box 21126
Philadelphia, PA 19114-0326

First Stop Auto Sales
2910 North Roxboro Road
Durham, NC 27704

Employment Security Commission
Attn: Benefit Payment Control
Post Office Box 26504
Raleigh, NC 27611-6504

US Attorney's Office (ED)**
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461

Internal Revenue Service (MD)**
Post Office Box 21126
Philadelphia, PA 19114-0326

Credit Bureau
Post Office Box 26140
Greensboro, NC 27402

City of Durham Department of Finance
P.O. Box 30040
Durham, NC 27702-3040

Karlette Dandy-Deberry
2109 Otis Street
Durham, NC 27707

NC Child Support
Centralized Collections
Post Office Box 900006
Raleigh, NC 27675-9006

Clementine R. DeBerry
2413 Otis Street
Durham, NC 27707

North Carolina Department of Re
c/o Reginald S. Hinton
Post Office Box 25000
Raleigh, NC 27640-5000

Equifax Information Systems LLC
P.O. Box 740241
Atlanta, GA 30374-0241

Credit Bureau of Greensboro**
Post Office Box 26140
Greensboro, NC 27402-0040

North Carolina Dept of Revenue*
Post Office Box 1168
Raleigh, NC 27602-1168

Experian
P.O. Box 2002
Allen, TX 75013-2002

Dana Jones, Attorney
P.O. Box 3389
Durham, NC 27702-3389

PSNC Energy
Post Office Box 1398
Gastonia, NC 28053-1398

Innovis Data Solutions
Attn: Consumer Assistance
P.O. Box 1534
Columbus, OH 43216-1534

Durham County Court House
Clerk of Superior Court
201 E Main Street
Durham, NC 27701

Reinhardt Milam & Fisher, PLLC
Post Office Box 1452
Durham, NC 27702-1452

Trans Union Corporation
P.O. Box 2000
Crum Lynne, PA 19022-2000

Durham County Tax Collector
Post Office Box 3397
Durham, NC 27701

Sprint
Post Office Box 740602
Cincinnati, OH 45274-0602

ChexSystems
Attn: Consumer Relations
7805 Hudson Road, Ste. 100
Woodbury, MN 55125

Enhanced Recovery Corporation
Post Office Box 17332
Baltimore, MD 21297

The Law Offices of John T. Orsi
6616-203 Six Forks Road
Raleigh, NC 27615

US Attorney's Office (MD)**
Middle District
Post Office Box 1858
Greensboro, NC 27502-1858

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